

07 August 1978

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting at State Department to Determine
Executive Branch Position on Legislative
Bills, 03 August 1978

1. The undersigned was asked by the White House Office of Drug Abuse Policy to attend a meeting at the State Department to decide upon an Executive Branch position on certain amendments to bills now before this year's session of Congress. Prior to attending the meeting, I discussed the three issues with the AGC/DDO and it was decided that none of the amendments have any relevance to the Agency.

2. The meeting was chaired by Ms. Mathea Falco, Senior Adviser to the Secretary of State for Narcotics Matters (S/NM) and attending were representatives from DEA, Customs, the White House Office of Drug Abuse Policy (Mr. Dogoloff), HEW and S/NM. Copies of the amendments in question are attached. With little discussion, all agreed to the Senate versions on the interrogation of U.S. persons and the prohibition of procuring weapons or ammunition with S/NM funds.

3. A long and tortured discussion took place, however, on the use of herbicides, especially with the representative of HEW. Everyone present agreed to the House version as being the lesser of two evils, except HEW. After more than an hour of heated give and take, the HEW representative phoned his office and was told by someone more familiar with the problem that the House version was acceptable. It was then decided that Messrs. Melocik (DEA) and Gibson (S/NM) would draw up a statement for use at the Senate/House Conference scheduled for Thursday, 10 August.

Attachments: a/s
cc: AGC/DDO
OLC

DEA OVERSEAS ACTIVITIES

The Senate bill amends section 481(c) of the Foreign Assistance Act of 1961 to prohibit an officer or employee of the United States (except in connection with U.S. Armed Forces activities in carrying out their responsibilities under status-of-forces arrangements) from (a) engaging or participating in "any direct police arrest action in any foreign country with respect to narcotics control efforts", and (b) interrogating, or being present at the interrogation of any U.S. person arrested in a foreign country with respect to narcotics control efforts, without that person's written consent.

The House amendment contains no comparable provision.

EXECUTIVE BRANCH POSITION:

The Executive Branch ^{agrees to the Senate} prefers the House amendment.

WEAPONS FOR INTERNATIONAL
NARCOTICS CONTROL

The Senate bill amends section 482 of the Foreign Assistance Act of 1961 to prohibit the availability of international narcotics control funds for the "procurement of weapons or ammunition" for narcotics control purposes.

The House amendment contains no comparable provision.

EXECUTIVE BRANCH POSITION:

MARIJUANA ERADICATION

The Senate bill amends section 481 of the Foreign Assistance Act of 1961 to provide that no assistance under the FAA shall be permitted to be used, or shall be used, directly or indirectly, for programs involving the eradication of marijuana with herbicides "likely to cause serious harm to the health of persons who may use or consume the sprayed marijuana". The Secretary of State is to inform the HEW Secretary of any use or intended use of any herbicide in an eradication program receiving assistance under the FAA. If the HEW Secretary advises that such herbicide is of the type likely to cause such serious harm, no funds or assistance shall be provided for the program in question. The Secretary of State must report annually to the Congress on compliance with this provision.

The House amendment amends section 482 of the FAA to prohibit the use of narcotics control funds authorized by that section for marijuana eradication using the herbicide paraquat, except in conjunction with another substance or agent which will warn potential marijuana users of the presence of paraquat.

EXECUTIVE BRANCH POSITION:

The Executive Branch

The Executive Branch prefers the House amendment.

The Department of State agrees with the basic intent of the House amendment, which calls attention to the potential health risk of paraquat-sprayed marijuana to regular marijuana users. The Executive Branch has alerted the public to the possible health risk and is conducting research and tests with the Mexican Government to find satisfactory alternatives. The Mexican Government has advised the Department of State that it will use an alternate herbicide when scientific studies can produce an effective substitute that meets Mexican environmental and health standards. U.S. and Mexican scientists are also conducting joint research and field testing of a variety of identifying additives for the Mexican eradication program. Initial results in July are encouraging for the objective of clearly identifying paraquat sprayed marijuana to a potential user.

The Senate amendment seriously jeopardizes the cooperative US-Mexican narcotics control program which is primarily directed at eradication of illicit opium. For all practical purposes, it is impossible to distinguish United States assistance for the Government of Mexico's eradication efforts targeted at a specific narcotic plant from assistance to the general eradication program. The Government of Mexico operates a single narcotics control program, making no distinction in funding, administration or other support between marijuana and opium poppy eradication efforts. Although the herbicides used by the Mexicans to eradicate poppies and marijuana are different, and the emphasis given to eradicating one or the other varies depending on

growing seasons, the same aircraft pilots, ground support, aircraft and other equipment are used by the Government of Mexico for the entire eradication program. The Mexican Government uses its own funds to purchase all herbicides used in the program.

Return to L.M.
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Paraquat Fear Held Exaggerated

Special to The New York Times

SAN FRANCISCO, Aug. 3 — Recent Government studies suggest that marijuana contaminated by paraquat is neither so prevalent nor so highly contaminated as earlier reports indicated, but one expert says the cumulative hazards of smoking the contaminated substance should not be discounted.

Scientists at the Center for Disease Control in Atlanta found a contamination rate of 2 percent among about 50 samples reportedly judged positive for paraquat contamination by the leading paraquat-testing laboratory in California.

In addition, a study about to be released by the National Institute on Drug Abuse shows that the amount of paraquat transferred to the smoke of marijuana contaminated by the toxic herbicide is thought to be less than 10 percent of the level that earlier reports suggested.

Dr. Richard Hawks, a research chemist at the institute in Rockville, Md., called the recent fears of widespread paraquat poisoning among the nation's marijuana smokers "inappropriate panic."

Not one case of marijuana-related paraquat poisoning in humans has been confirmed to date, he said, although United States-sponsored spraying of Mexican marijuana fields has been going on since 1975 at an estimated cost of \$40 million.

Dr. Hawks said that in view of the new Government tests he believed there was "minimal likelihood that a marijuana user who purchased pot by the ounce

would be in danger of permanent lung damage." But he added that he could not exclude the possibility of cumulative effect from long-term smoking of contaminated marijuana.

Dr. Hawks said that a regular heavy smoker who daily consumed three to five cigarettes of highly contaminated marijuana for several months could develop the permanent lung scarring known as pulmonary fibrosis.

Dr. John Liddle, chief of the toxicology branch of the disease control center, said that persons whose marijuana showed paraquat contamination in tests by PharmChem Research Foundation of Menlo Park, Calif., had been asked to send samples of the same marijuana to the center for retesting.

In tests that Dr. Liddle said were at least as sensitive as those that PharmChem conducted, only one sample out of about 50 tested positive for paraquat.

Dr. Liddle said, "Our data do not support the high rate of occurrence found elsewhere." Neither the council nor PharmChem officials could explain the disparity in the test results.

Dr. Liddle said there was no way of knowing whether the samples sent to the disease control council had come from the same batches as those judged contaminated by PharmChem. But even if the council received random samples, Dr. Liddle said, his laboratories and tests indicated a 2 percent contamination rate, far lower than the 31 percent rate found by PharmChem in months of testing.

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